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**THE CAT FANCIERS' ASSOCIATION, INC.**



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*World's Largest Registry of Pedigreed Cats*

**CFA Executive Board**

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December 22, 2002

Docket Management System  
U.S. Department of Transportation  
400 Seventh Street, SW, Room Plaza 401  
Washington, DC 20590-0001

**RE: Comments on Docket No. FAA-2002-13378-2874**

Dear Sir or Madam;

I am writing on behalf of the Cat Fanciers' Association, Inc. regarding the Notice of Proposed Rulemaking (NPRM) on "**Reports by Carriers on Incidents Involving Animals During Air Transport**", published September 27, 2002 in the Federal Register. CFA has serious concerns with this proposed rule stemming from the Aviation Investment and Reform Act (P.L. 106-181) requiring passenger airlines to submit monthly "a report on any incidents involving the loss, injury, or death of an animal" during air transport. The language as drafted in the proposed rule is overly broad and raises numerous issues that would create confusion and infringe on the privacy of those shipping animals. We believe that this proposed rule would place an unnecessary burden on commercial air carriers that could lead to their discontinuing pet air transportation. This is not in the best interests of cat breeders, show exhibitors, the many animals who travel by air and the pet owning public that depends on this option.

CFA is a non-profit organization founded in 1906 and the largest registry of pedigreed cats in the world.<sup>1</sup> Cat fanciers greatly rely on air transport for exchange of breeding cats, show exhibition and transfer of cats to new owners. Cats travel long distances far better by air than in automobiles. Thousands of individuals will be directly and significantly impacted by this proposed rulemaking.

Our organization has considered the potential effects of the proposed rule and urges the Federal Aviation Administration (FAA) to substantially modify the provisions. Some of our specific concerns and suggestions are as follows:

1. **The definition of "animal"** extends beyond the two species, dogs and cats, which were the subject of the final Act as adopted by Congress and encompasses "any warm or cold-blooded animal". It is impractical for airlines to assess the health of all warm and cold-blooded animals before they are shipped to determine if there is any existing injury or ill health that might lead to a serious incident during transport. Since the definition includes

<sup>1</sup> *With over 600 member clubs in the United States, Canada, Europe, Japan and elsewhere, our mission is to preserve and promote the pedigreed breeds of cats and to enhance the well-being of ALL cats. CFA's participants raise, show and sell pedigreed cats of rare breeds that are highly desired by a segment of the pet owning public.*

any animal being kept or sold as a “pet in a family household”, the scope of the reporting requirement extends beyond individual pet animals being transported. These reporting requirements would also involve tracking each animal (including fish, reptiles or other creatures) within large group shipments.

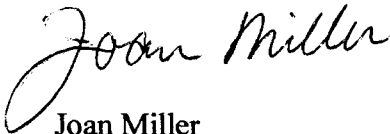
2. **Use of the word “family household”** in the definition of animal is ambiguous as well. Will the Department of Transportation or the individual airlines be prepared to determine what constitutes a “family” in today’s society? Simply limiting the reporting to dogs and cats regardless of who owns them would be a far more reasonable approach and consistent with the underlying Act.
3. **The air transport period** for reporting loss, injury or death spans the “the entire period during which an animal is in the custody of an air carrier, from check-in.....to return to the owner or guardian”. Since individuals may use hired companies or friends to handle transport of their animals the term “owner or designee at the airport of final destination” would be less confusing. Many times cats are shipped for stud service or for lease arrangements – they may spend months with another party before they are returned to their owner. The language is poorly drafted.
4. **The term “guardian”** is disrespectful to pet owners who strongly oppose this word in laws or regulations based on its link to a well-known campaign by animal activists to remove the existing property rights of owners regarding their animals. There is no need for this word to be added in this rule.
5. **It is unclear who will make the determination of “injury” or whether death actually occurred as a result of air transport.** This is a substantial issue that invites certain confusion. Considering the broad definition of “animal”, the rule as it stands would make any worthwhile data collection impossible. Among the immediate questions would be – how long after receipt of the animal by its owner will the airline be held responsible? Must every animal be removed from a carrier/container and examined by a veterinarian, owner or designee at the airport upon arrival? How would the cause of death be determined as a result of an air trip without assessing existing conditions prior to shipment, not only the health and age of the animals but a thorough appraisal of the carriers used for each species. The reporting requirements need to be substantially narrowed for any data to be meaningful. Clarifying that an injury must be physical and visibly apparent may help to limit incident reports to those caused by rough or improper handling of the animals.
6. **Reports must be within 15 days** of the end of each month. This is unreasonable as animals are not “lost or damaged baggage” and it may take time to obtain necessary information surrounding a serious incident such as an animal’s loss, injury or death. Airline reporting should be extended to 30 days following the incident.
7. **“Identification of the owner”** is unclear. If this means the name, address, phone number or other information that becomes public record, such a requirement would greatly intrude on a pet owner or breeder’s privacy. Extremists who oppose any buying, selling, breeding or shipping of animals would have access to information that could subject individuals to

potential harassment. The purpose of this reporting requirement was for data collection and there is no need to include owners' identification

CFA has serious concerns with the implications of this FAA proposal. It was clear that the underlying legislation was restricted to dogs and cats with the purpose of assessing the actual extent of loss, injury or death due to air transport and handling by commercial airlines. Extension of the reporting requirements to other animal species will cause major complications and confusion and be an unreasonable burden on the airlines. Considerable redrafting is needed to provide more clarification and to eliminate potential conflicts.

We understand that experts in transporting animals were not consulted prior to writing these regulations. An extensive study prepared by the American Veterinary Medical Association at the request of the USDA to evaluate the areas of need was not evaluated and considered prior to the rulemaking. CFA supports safe travel for animals at a reasonable cost to the public. We hope the FAA will modify the proposed rule in such a way that these objectives can be achieved. If we can assist in any way we welcome contact.

Respectfully yours,

A handwritten signature in cursive script that reads "Joan Miller".

Joan Miller  
CFA Legislative Coordinator

cc. Donald Williams, CFA President  
Thomas H. Dent, CFA Executive Director  
CFA Board of Directors